

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

BENITO DEL ROSARIO,

Defendant.

12-CR-81 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 4, 2020, the Court denied a successive motion for a reduction of sentence by defendant Benito Del Rosario, pursuant to 18 U.S.C. § 3582(c). Dkt. 115. Del Rosario's *pro se* motion was based on Amendment 782 of the Sentencing Guidelines, which revised the Guidelines applicable to certain drug trafficking offenses. *See* Dkt. 107. In denying the motion, the Court noted that the Hon. Katherine B. Forrest, to whom this case had been assigned until her retirement, had already denied the same motion by Del Rosario under Amendment 782, in the course of which Judge Forrest had reaffirmed that the sentence she had imposed, principally of 292 months imprisonment, was the just and reasonable sentence and the lowest such sentence compatible with the 18 U.S.C. § 3553(a) sentencing factors. Dkt. 115. This Court declined to reconsider Judge Forrest's considered assessment on that point. *Id.* at 5.

On September 16, 2020, Del Rosario moved, *pro se*, to "amend or alter" the Court's judgment in its August 4, 2020 order. Dkt. 116. Del Rosario's motion claims that there were errors of fact in that order. Del Rosario's motion, however, does not contend with the decisive portion of the Court's August 4, 2020, order, which found that even if it were proper to reach the

merits, the Court would decline to revisit Judge Forrest's assessment of the just and reasonable sentence, and thus would decline to grant relief under Amendment 782.

The Court accordingly denies Del Rosario's motion for reconsideration.

The Clerk of Court is respectfully directed to terminate the motions pending at Docket 116, and to mail a copy of this Order to Del Rosario at the below address:

Benito Del Rosario
Reg. No. 65645-054
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 12, 2024
New York, New York